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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,874	03/17/2001	Chuck Peters	1760.2.29	7470

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JOHN W. L. OGILVIE
1320 EAST LAIRD AVENUE
SALT LAKE CITY, UT 84105

EXAMINER

CAO, CHUN

ART UNIT PAPER NUMBER

2115

DATE MAILED: 02/23/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/810,874

Applicant(s)

PETERS ET AL.

Examiner

Chun Cao

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 10, 12-19, 25, 26 and 28-30 is/are rejected.
- 7) ☒ Claim(s) 2-9, 11, 20-24 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.6.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-30 are presented for examination.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The current title is imprecise.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 12 rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for deploying an image of an operating system, does not reasonably provide enablement for deploys an image of an operating system which was not installed on the computer system at a point in time one minute immediately before the deploying step began. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. Such that, the specification does not reasonably teach of providing to deploys an image of an operating system which was not installed on the computer system at a point in time one minute immediately before the deploying step began.

Claim Rejections - 35 U.S.C. § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2115

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 10, 12-19, 25, 26 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braun et al. (Braun), US patent no. 6,636,961 in view of Murray et al. (Murray), US patent no. 6,330,653.

As per claim 1, Braun teaches a method for coordinating imaging operation with user profile migration to perform migration in place on a computer system [col. 1, line 66-col. 2, line 4], the method comprising the steps of:

providing a migration content storage [database 200, fig. 2] in the computer system to hold migration content, by using a migration tool [configuration tool] [col. 3, lines 34-43];

saving migration content into the provided migration content storage partition by using the configuration tool, the saved migration content including at least user settings for the computer system [col. 3, lines 34-43; col. 4, lines 48-50; col. 22, lines 60-62];

deploying an image into at least one other partition of the computer system's storage by using an image tool [col. 1, lines 44-46], thereby forming a newly imaged partition which is not the migration content storage partition [col. 3, lines 44-50; col. 23, lines 1-6]; and

restoring migration content from the migration content storage into the newly imaged partition by using the migration tool [col. 2, lines 1-4; col. 3, lines 48-58; col. 4, lines 22-25; col. 13, lines 28-31].

Art Unit: 2115

Braun fails to use a partition manipulation tool to manipulate at least one partition in a partitionable storage medium of the computer system.

Murray teaches of using a partition manipulation tool to manipulate at least one partition in a partitionable storage medium of the computer system [col. 1, lines 28-31; col. 4, lines 20-29, 32-36, 51-55; col. 4, line 64-col. 5, line 3].

It would have been obvious to one of ordinary skill in the art at time the invention to combine the teachings of Braun and Murray because the specify teachings of Murray stated above would improve the reliability and efficiency of Braun system by allowing to store the migration content in a storage partition that is manipulated by a partition manipulate tool.

As per claim 10, Murray teaches of shrinking a partition on the computer system's partitionable storage to provide enough space for the partition [col. 4, line 64-col. 5, line 1].

As per claim 12, Braun teaches of deploying an image of an operating system which was not installed on the computer system [col. 1, lines 17-20].

As per claim 13, Braun teaches of deploying an upgraded operating system to the computer system [col. 1, lines 17-20].

As per claim 14, Official Notice is taken that rolls the image back to an earlier state is old and well known in the computer art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include a rollback image because this would provide easier and quicker image restoration to recover from

Art Unit: 2115

computer system failure. Inherently, Braun may teach of a rollback image installation [col. 1, lines 50-53].

As per claim 15, Braun and Murray together teach the claimed method of steps. Therefore, Braun and Murray together teach the claimed system to carry out the method of steps.

As per claim 16, Braun discloses the migration content storage partition contains the migration tool [configuration tool] [col. 3, lines 14-21, 44-48].

As per claim 17, Murray discloses an extended partition [col. 4, lines 32-36].

As per claim 18, Braun discloses a file that includes a command to invoke the migration tool to restore desired user profile information from the migration content storage [col. 1, line 66-col. 2, line 4; col. 4, lines 51-52].

As to claims 19, 25, 26 and 28-30, Braun and Murray together teach the claimed method of steps. Therefore, Braun and Murray together teach the claimed computer-readable storage media to carry out the method of steps.

Allowable Subject Matter

7. Claims 2-9, 11, 20-24 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Art Unit: 2115

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun Cao at (703) 308-6106. The examiner can normally be reached on Monday-Friday from 7:30 am - 4:00 pm. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor Thomas Lee can be reached at (703) 305-9717. The fax number for this Art Unit is following: Official (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 306-5631.

A handwritten signature in black ink, appearing to read 'Chun Cao', is positioned above the printed name.

Chun Cao

Feb. 19, 2004